

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re DE LEON HERNANDEZ.


Case No. [21-cv-01166-HSG](#)

**ORDER OF DISMISSAL**

On February 12, 2021, Plaintiff filed a letter with this Court. Dkt. No. 1. The Court construed this letter as an attempt to file either a 42 U.S.C. § 1983 action or a petition for a writ of habeas corpus. Dkt. No. 2. That same day, the Clerk of the Court informed Plaintiff that this action was deficient because he had not paid the filing fee and had not submitted his complaint or petition on the proper form. Dkt. Nos. 2, 3. Plaintiff was instructed to respond within twenty-eight days of the date of the order. Dkt. Nos. 2, 3. The deadline has passed, and Plaintiff has neither paid the filing fee nor submitted a complaint or petition on the proper form, or otherwise communicated with the Court. The Court therefore **DISMISSES** this action without prejudice. Because this dismissal is without prejudice, Plaintiff may move to reopen the action. Any such motion must be accompanied by both a complaint or petition on the proper form, and an *in forma pauperis* application on the proper form, with the required supporting documents. The Clerk shall enter judgment and close the file.

**IT IS SO ORDERED.**

Dated: 4/6/2021

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge